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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION
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14 ANGELICA M. AVILA,
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16 Plaintiff,
17 v.
18 KILOLO KIJAKAZI,
Acting Commissioner of Social Security,
19 Defendant.
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No. 1:21-cv-01283-JLT-BAM

CORRECTED STIPULATION AND ~~PROPOSED~~
ORDER FOR EXTENSION OF TIME TO FILE
DEFENDANT'S RESPONSE TO PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT

22 The parties stipulate through counsel that Defendant, the Acting Commissioner of Social
23 Security (the "Commissioner"), shall have a first extension of 45 days to respond to Plaintiff's
24 Motion for Summary Judgment ("Motion") (Docket Number 23), extending the date on which
25 Defendant's response is due from September 19, 2022, to November 3, 2022. The parties seek a
26 corrected order granting the stipulation, as counsel for Defendant previously mistakenly included
27 the incorrect date in the proposed order. The undersigned attorney for Defendant apologizes for
28 this oversight.

1 Defendant needs more time to respond to Plaintiff's Motion because the undersigned
2 attorney was recently reassigned to this case, after Plaintiff had already filed her Motion, and
3 needs more time review the record, evaluate the issues raised in Plaintiff's Motion, determine
4 whether options exist for settlement, and if not, prepare Defendant's Opposition to Plaintiff's
5 Motion. In addition, the undersigned attorney for Defendant currently has three briefs due over
6 the next one-week period, including Defendant's Opposition in this case, and a total of eight
7 district court briefs due over the next four weeks.

8 Due to the overall volume of work within the Commissioner's Region IX Office of
9 General Counsel, neither the undersigned attorney nor another attorney in the Region IX Office
10 anticipate being able to review and respond to Plaintiff's Motion by the current due date.
11 Accordingly, the Commissioner respectfully requests an extension of 45 days, until November 3,
12 2022, to respond to Plaintiff's Motion.

13 This request is made in good faith and is not intended to delay the proceedings in this
14 matter.

15 Respectfully submitted,

16 DATE: September 19, 2022

17 /s/ Jonathan Omar Pena
18 JONATHAN OMAR PENA
19 Attorney for Plaintiff
20 (as approved via email)

21 PHILLIP A. TALBERT
22 United States Attorney
23 MATHEW W. PILE
24 Associate General Counsel
25 Social Security Administration

26 DATE: September 19, 2022

27 By /s/ Elizabeth Landgraf
28 ELIZABETH LANDGRAF
Special Assistant United States Attorney
Attorneys for Defendant

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ORDER

Pursuant to the parties' corrected stipulation, Defendant shall have an extension, up to and including November 3, 2022, to respond to Plaintiff's Motion for Summary Judgment. All other deadlines in the Court's Scheduling Order are modified accordingly.

IT IS SO ORDERED.

Dated: September 20, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE